

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
Bonnie Hough, Supervising Attorney, 415-865-7668,
bonnie.hough@jud.ca.gov

DATE: September 10, 2003

SUBJECT: Family Law: Miscellaneous Forms (approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)
(Action Required)

Issue Statement

These forms proposed for approval and revision are designed to assist self-represented litigants with the paperwork for a divorce and to enable parents who have adopted a child but are not married, including same-sex couples, to obtain custody and support orders upon separation.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2004: 1) Approve forms FL-117, FL-144, and FL-345; and 2) Revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344.

The proposed forms are attached at pages 4–18.

Rationale for Recommendation

New form FL-117, *Notice and Acknowledgment of Receipt—Family Law* is being proposed for use in family law cases. Unlike form 982(a)(4), the civil *Notice of Acknowledgment of Receipt*, it lists the specific summonses, petitions and accompanying documents that must be served for cases brought under the Family Code. Litigants will have an easier time finding the correct form in the family law numbering system. The language of the form is also plainer English than form 982(a)(4). Form FL-115, *Proof of Service of Summons (Family Law—Uniform Parentage—Custody and Support)*, is being modified to reflect the use of new form FL-117 rather than form 982(a)(4).

New form FL-144, *Stipulation and Waiver of Final Declaration of Disclosure*, has been developed to assist litigants in complying with the requirements of Family Code

section 2105, which sets out the conditions under which the parties may waive a final declaration of disclosure. To obtain a divorce or legal separation in California, each party is required to complete a declaration of disclosure describing all their community and separate property; income and expenses; as well as all investment, business or other income-producing opportunities. Parties complete a preliminary declaration of disclosure after or concurrently with the service of the petition. They then complete and serve a final declaration of disclosure before they enter into an agreement for the resolution of their property, or, if the case goes to trial, no later than 45 days before trial. This final declaration of disclosure must include all material facts and information regarding characterization of all assets and liabilities, all material facts and information regarding the valuation of all assets that are contended to be community property, all material facts and information regarding the amounts of the debts that are contended to be community debt; and all material facts regarding their earnings, accumulations and expenses.

While litigants may not waive the preliminary declaration of disclosure, many choose to waive the final disclosure. However, the statutory requirements for a waiver of the final declaration of disclosure became much more stringent with the passage of AB 583 in 2001. Litigants now must stipulate that they have completed the preliminary declaration of disclosure and fully augmented it, disclosing all material facts and information regarding the characterization of all assets and debts, the valuation of all property that is contended to be community property and all debts that are contended to be community debts. The waiver must also state that the parties understand that noncompliance with these obligations will result in the court setting aside the judgment (Fam.Code §2105). Because these conditions are so specific and the consequences of failing to failing to comply so severe, the Judicial Council was asked to develop a form to assist litigants in meeting the statutory requirements for a waiver.

Forms FL-250, *Judgment (Uniform Parentage — Custody and Support)*; FL-260, *Petition for Custody and Support of Minor Children*; and FL-270, *Response to Petition for Custody and Support of Minor Children*, would be changed to permit domestic partners, and unmarried and same-sex couples to obtain child custody and visitation orders when they separate. Currently no forms are available to assist those parents in obtaining orders upon separation. Since Family Code section 9000 has recently been amended to allow stepparent adoption by domestic partners, form FL-250 is being revised to show that there may be multiple mothers or multiple fathers.

Form FL-344, *Property Order Attachment*, would be retitled *Property Order Attachment to Findings and Order After Hearing*, and a new form, FL-345, *Property Order Attachment to Judgment*, would be created. Currently, orders after a hearing and judgment are combined in one form. Since there are many orders that can only be made after a hearing and separate orders that can only be made in a judgment, it is confusing to allow both of these uses on one form. Form FL-344 would be revised to reflect the requirement that any notice of proposed extraordinary expenses must be

made at least five business days before such expenses are incurred. Litigants will be able to use new form FL-345 to obtain a final judgment dividing their property as that new form contains language which is used in final judgments, rather than after a pendente lite hearing.

Form FL-180, *Judgment (Family Law)* would be modified to make it clear that property orders should be included in a final judgment and allowing parties to use new form FL-345 as an attachment to the *Judgment*.

Alternative Actions Considered

The proposed changes are necessary to bring the forms into compliance with current law and provide the family-law specific forms that practitioners have requested.

Comments From Interested Parties

An invitation to comment was circulated to the Administrative Office of the Courts' main mailing list of presiding judges and court executives, the State Bar, and other groups interested in the administration of justice. In addition, it was circulated to all family law facilitators, family law information centers, child support commissioners, and legal services programs, as well the Family and Juvenile Law Advisory Committee's list of family law practitioners. Thirteen written comments were received. The comment chart is attached at pages 19–24.

The comments were generally very favorable. The commenters made numerous excellent technical suggestions. No substantive policy issues were raised. In particular, the committee accepted suggestions to make form FL-250, *Judgment (Uniform Parentage—Custody and Support)* work more effectively for both paternity and child custody and support actions.

Implementation Requirements and Costs

The only costs associated with this proposal would be those for the printing of revised forms.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 8</h1> <h1 style="text-align: center;">9/26/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—FAMILY LAW	CASE NUMBER:

To:
 (Insert name of individual being served)

NOTICE

The documents identified below are being served on you by mail with this acknowledgment form. You must personally sign, or a person authorized by you must sign, this form to acknowledge receipt of the documents.

If the documents described below include a summons and you fail to complete and return this acknowledgment form to the sender within 20 days of the date of mailing, you will be liable for the reasonable expenses incurred after that date in serving you or attempting to serve you with these documents by any other methods permitted by law. If you return this form to the sender, service of a summons is deemed complete on the date you sign the acknowledgment of receipt below.

Date of mailing: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF SENDER - MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

(To be completed by sender before mailing)

I agree I received the following:

- | | |
|---|--|
| a. <input type="checkbox"/> Family Law: <i>Petition</i> (form FL-100), <i>Summons</i> (form FL-110), and blank <i>Response</i> (form FL-120) | |
| b. <input type="checkbox"/> Uniform Parentage: <i>Petition to Establish Parental Relationship</i> (form FL-200), <i>Summons</i> (form FL-210), and blank <i>Response to Petition to Establish Parental Relationship</i> (form FL-220) | |
| c. <input type="checkbox"/> Custody and Support: <i>Petition for Custody and Support of Minor Children</i> (form FL-260), <i>Summons</i> (form FL-210), and blank <i>Response to Petition for Custody and Support of Minor Children</i> (form FL-270) | |
| d. <input type="checkbox"/> (1) <input type="checkbox"/> Completed and blank <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)</i> (form FL-105) | (5) <input type="checkbox"/> Completed and blank <i>Financial Statement (Simplified)</i> (form FL-155) |
| (2) <input type="checkbox"/> Completed and blank <i>Declaration of Disclosure</i> (form FL-140) | (6) <input type="checkbox"/> <i>Order to Show Cause</i> (form FL-300), <i>Application for Order and Supporting Declaration</i> (form FL-310), and blank <i>Responsive Declaration to Order to Show Cause or Notice of Motion</i> (form FL-320) |
| (3) <input type="checkbox"/> Completed and blank <i>Schedule of Assets and Debts</i> (form FL-142) | |
| (4) <input type="checkbox"/> Completed and blank <i>Income and Expense Declaration</i> (form FL-150) | (7) <input type="checkbox"/> Other (specify): |

(To be completed by recipient)

Date this acknowledgment is signed: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT)

- The petitioner and respondent declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF RESPONDENT)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets

- a. ☐ There are no community property assets.
- b. ☐ The court finds that the net value of the community estate is less than \$5,000 and that the ☐ petitioner ☐ respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to the ☐ petitioner ☐ respondent.
- c. ☐ Petitioner will receive the following assets:
(Attach additional page if necessary)
- d. ☐ Respondent will receive the following assets:
(Attach additional page if necessary)

- e. ☐ Petitioner ☐ Respondent will be responsible for preparing and filing a Qualified Domestic Relations Order (QDRO) to divide the following plan or retirement account(s):

The fee for preparation of the QDRO shall be shared as follows:

- f. ☐ Other orders:

- g. ☐ Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to carry out this division.

- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

2. Division of community property debts

- a. ☐ There are no community debts.
- b. ☐ All community debts have been paid by: _____ who is the ☐ petitioner ☐ respondent.
☐ Petitioner ☐ Respondent must reimburse the other party \$
The payment plan is as follows:

- c. ☐ Petitioner will be responsible for the following debts:
(Attach additional page if necessary)
- d. ☐ Respondent will be responsible for the following debts:
(Attach additional page if necessary)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

e. ☐ Other orders:

f. Each spouse will be solely responsible for paying the debts assigned to him or her and will hold the other harmless from those debts. The spouses understand that the creditors are not bound by this judgment. If a creditor seeks payment from the spouse who is not listed as responsible for the debt, that spouse can file a motion to seek reimbursement from the defaulting spouse.

9. The court reserves jurisdiction to divide any community debts not listed here.

3. **Separate property.**

a. ☐ The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the petitioner:

b. ☐ The court confirms the following assets or debts as the sole separate property, or sole responsibility, of the respondent:

4. ☐ The Marital Settlement Agreement between the parties is attached and made a part of this Judgment.

5. ☐ Other orders:

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO. (<i>Optional</i>): FAX NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 5</h1> <h2 style="text-align: center;">8/22/03</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE OF SUMMONS	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. ☐ Family Law: *Petition* (form FL-100), *Summons* (form FL-110), and blank *Response* (form FL-120)
- or—
- b. ☐ Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- or—
- c. ☐ Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and
- d. ☐ (1) ☐ Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)
- (2) ☐ Completed and blank *Declaration of Disclosure* (form FL-140)
- (3) ☐ Completed and blank *Schedule of Assets and Debts* (form FL-142)
- (4) ☐ Completed and blank *Income and Expense Declaration* (form FL-150)
- (5) ☐ Completed and blank *Financial Statement (Simplified)* (form FL-155)
- (6) ☐ Completed and blank *Property Declaration* (form FL-160)
- (7) ☐ *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-310), and blank *Responsive Declaration to Order to Show Cause or Notice of Motion* (form FL-320)
- (8) ☐ Other (*specify*):
2. Address where respondent was served:
3. I served the respondent by (*check proper box*)
- a. ☐ **personal service**, by personally delivering the copies to the respondent (Code Civ. Proc., § 415.10) on (*date*): _____ at (*time*): _____
- b. ☐ **substituted service**, by leaving the copies with or in the presence of (*name*): _____ who is (*title or relationship to respondent*): _____
- (1) ☐ (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2) ☐ (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed him or her of the general nature of the papers.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. b. on (date): _____ at (time): _____
- I thereafter mailed additional copies (by first-class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): _____
- A **declaration of diligence** is attached, stating the actions taken to first attempt personal service.
- c. ☐ **mail and acknowledgment service**, by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid,
- on (date): _____ from (city): _____
- (1) ☐ with two copies of the *Notice and Acknowledgment of Receipt—Family Law* (form FL-117) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Family Law* (form FL-117).) (Code Civ. Proc., § 415.30.)
- (2) ☐ to an address outside California (by registered or certified mail with return receipt requested) (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Proc., § 415.40.)
- d. ☐ **other** (specify code section): _____
- ☐ An additional page is attached.
4. The NOTICE TO THE PERSON SERVED on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):
- a. ☐ As an individual
- b. ☐ On behalf of respondent who is:
- ☐ An individual (Code Civ. Procedure § 416.90) ☐ A ward or Conservatee (Code Civ. Proc., § 416.70)
- ☐ A minor (Code Civ. Procedure § 416.60) ☐ Other (specify): _____

5. **Person who served papers**

Name:

Address:

Telephone number:

I am

- a. ☐ exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ not a registered California process server.
- c. ☐ a registered California process server:
- (1) ☐ Employee or independent contractor
- (2) Registration no.: _____
- (3) County: _____

d. **The fee** for service was: \$ _____

6. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

—or—

7. ☐ **I am a California sheriff, marshal, or constable**, and I certify that the foregoing is true and correct.

Date:

<hr/> (NAME OF PERSON WHO SERVED PAPERS)		<hr/> (SIGNATURE OF PERSON WHO SERVED PAPERS)
--	---	---

- Page 1 of 2

MARRIAGE OF (<i>Last name, first name of parties</i>): _____	CASE NUMBER: _____
---	---------------------------

4. i. ☐ A marital settlement agreement between the parties is attached.
 j. ☐ A written stipulation for judgment between the parties is attached.
 k. ☐ Child custody and visitation is ordered as set forth in the attached
 (1) ☐ *Child Custody and Visitation Order Attachment* (form FL-341).
 (2) ☐ *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355).
 (3) ☐ other (*specify*): _____
- l. ☐ Child support is ordered as set forth in the attached
 (1) ☐ marital settlement agreement, stipulation for judgment, or other written agreement.
 (2) ☐ *Child Support Information and Order Attachment* (form FL-342).
 (3) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350).
 (4) ☐ other (*specify*): _____
- m. ☐ Spousal support is ordered as set forth in the attached
 (1) ☐ marital settlement agreement, stipulation for judgment, or other written agreement.
 (2) ☐ *Spousal or Family Support Order Attachment* (form FL-343).
 (3) ☐ other (*specify*): _____
- ☐ **NOTICE:** It is the goal of this state that each party will make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal support.
- n. ☐ Property division is ordered as set forth in attached
 (1) ☐ marital settlement agreement, stipulation for judgment, or other written agreement.
 (2) ☐ *Property Order Attachment to Judgment* (form FL-345)
 (3) ☐ other (*specify*): _____
- o. ☐ Parentage is established for children of this relationship born prior to the marriage.
 p. ☐ Other (*specify*): _____

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions.

Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

5. Number of pages attached: _____

NOTICE

Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay-on-death bank account, transfer-on-death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports, to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment will automatically be issued if child support, family support, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold;">DRAFT 5</div> <div style="font-size: 2em; font-weight: bold;">9/26/03</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____	
JUDGMENT	
CASE NUMBER: _____	

1. ☐ This judgment ☐ contains personal conduct restraining orders ☐ modifies existing restraining orders.
 The restraining orders are contained in item(s): _____ of the attachment.
 They expire on (*date*): _____ A CLETS form must be attached.
2. a. This matter proceeded as follows: ☐ Default or uncontested ☐ By declaration ☐ Contested
 b. Date: _____ Dept.: _____ Room: _____
 c. Judicial officer (*name*): _____ ☐ Temporary judge
 d. ☐ Petitioner present ☐ Attorney present (*name*): _____
 e. ☐ Respondent present ☐ Attorney present (*name*): _____
 f. **Petitioner** (1) ☐ The petitioner appeared without counsel and was advised of relevant rights.
 (2) ☐ The petitioner signed *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235).
 (3) ☐ The petitioner is married to the Respondent, and no other action is pending.
 (4) ☐ The petitioner signed a Voluntary Declaration of Paternity.
 (5) ☐ There is a prior judgment of parentage in a family support, juvenile, or adoption court case.
 g. **Respondent** (1) ☐ The respondent appeared without counsel and was advised of relevant rights.
 (2) ☐ The respondent signed *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235).
 (3) ☐ The respondent is married to the Petitioner, and no other action is pending.
 (4) ☐ The respondent signed a Voluntary Declaration of Paternity.
 (5) ☐ There is a prior judgment of parentage in a family support, juvenile or adoption court case.
 h. Other parties or attorneys present (*specify*): _____

3. THE COURT FINDS

Name: ☐ Mother ☐ Father
 Name: ☐ Mother ☐ Father
 are the parents of the following children:
Child's name Date of birth

4. THE COURT ORDERS

- a. ☐ Child custody and visitation are as specified in one or more of the attached forms:
 (1) ☐ *Child Custody and Visitation Order Attachment* (form FL-341)
 (2) ☐ *Stipulation for Order for Child Custody and/or Visitation of Children* (form FL-355)
 (3) ☐ Other (*specify*): _____

PETITIONER:	CASE NUMBER:
RESPONDENT:	

5. THE COURT FURTHER ORDERS

- a. ☐ Child support is as stated in one or more of the attached:
- (1) ☐ *Child Support Information and Order Attachment* (form FL-342)
 - (2) ☐ *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 - (3) ☐ Other (*specify*):
- b. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- c. The form *Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.
- d. ☐ The last names of the children are changed to (*specify*):
- e. ☐ The birth certificates must be amended to conform to this court order by
- (1) ☐ adding the father's name.
 - (2) ☐ changing the last name of the children.
- f. ☐ Attorney fees and costs are as stated in the attachment.
- g. ☐ Reasonable expenses of pregnancy and birth are as stated in the attachment.
- h. ☐ Other (*specify*):

☐ Continued on Attachment 3h.

6. Number of pages attached: _____

Date:

JUDICIAL OFFICER
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 20px 0;">DRAFT 5</div> <div style="font-size: 2em; font-weight: bold; margin: 0 0 20px 0;">9/26/03</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER: RESPONDENT:	
PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN	
NOTICE: This action will not terminate a marriage or establish a parental relationship.	

1. **Jurisdiction for bringing action**
 - a. Petitioner is the ☐ mother ☐ father of the minor children.
 - b. Respondent is the ☐ mother ☐ father of the minor children.
2.
 - a. ☐ Petitioner is married to the respondent, and no action is pending in any court for dissolution, legal separation, or nullity.
 - b. ☐ Petitioner and respondent have signed a *Voluntary Declaration of Paternity* regarding the minor children, and no action regarding the children has been filed in any other court. (*Attach a copy of declaration*)
 - c. ☐ Petitioner and respondent are not married and have legally adopted a child together.
 - d. ☐ Petitioner and respondent have been determined to be the parents in juvenile or governmental child support case number _____
 County _____ State _____ Country (if not the United States) _____
3. The following minor children are the subject of this action:

Child's name	Date of birth	Age	Sex

☐ Continued on Attachment 3.

4. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

5. **Child custody and visitation.** I request the following orders:

- | | Petitioner | Respondent | Joint | Other |
|------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Visitation of children with: | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |

(1) The proposed schedule for visitation is as follows:

- ☐ See the attached form FL-311, *Child Custody and Visitation Attachment*.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

5. d. ☐ I request that visitation be supervised for the following persons, with the following restrictions:

☐ Continued on Attachment 5d.

- e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. ☐ I request that the proposed holiday schedule set out in ☐ form FL-341(C) ☐ other be approved.
- g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
- h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.

6. **Fees and cost of litigation**

- a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
- b. ☐ Each party will pay own fees.

7. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party. *A completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) is attached.*

8. Other (specify):

9. **I have read the restraining order on the back of the *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) that is being filed with this petition, and I understand that it applies to me when this petition is filed.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)

A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the respondent with this *Petition*.

NOTICE: If you have a child from this relationship, the court is required to order child support based on the incomes of both parents. You should supply the court with information about your income. Otherwise, the child support order will be based on information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 6</h1> <h1 style="margin: 0;">9/26/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION FOR CUSTODY AND SUPPORT OF MINOR CHILDREN	CASE NUMBER:
NOTICE: This action will not terminate a marriage or establish a parental relationship.	

1. Jurisdiction for bringing action

- a. Petitioner is the ☐ mother ☐ father of the minor children.
 b. Respondent is the ☐ mother ☐ father of the minor children.

2. a. ☐ Petitioner is married to the respondent, and no action is pending in any court for dissolution, legal separation, or nullity.
 b. ☐ Petitioner and respondent have signed a Voluntary Declaration of Paternity regarding the minor children, and no other action is pending in any other court. *(Attach a copy of declaration)*
 c. ☐ Petitioner and respondent are not married and have legally adopted a child together.
 d. ☐ Petitioner and respondent have been determined to be the parents in a juvenile or governmental child support case number _____.
 County _____ State _____ Country (if not the United States) _____

3. The following minor children are the subject of this action:

Child's name	Date of birth	Age	Sex

☐ Continued on Attachment 3.

4. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) is attached.

5. Child custody and visitation. I request the following orders:

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Physical custody of children to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Visitation of children with	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

(1) The proposed schedule for visitation is as follows:

☐ See the attached form FL-311, *Child Custody and Visitation Attachment*.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

5. d. ☐ I request that visitation be supervised with the following persons, with the following restrictions:

☐ Continued on Attachment 5d.

- e. ☐ I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. ☐ I request that the proposed holiday schedule set out in ☐ form FL-341(C) ☐ other be approved.
- g. ☐ I request that additional orders regarding child custody set out in ☐ form FL-341(D) ☐ other be approved.
- h. ☐ I request that joint legal custody orders set out in ☐ form FL-341(E) ☐ other be approved.

6. **Fees and cost of litigation**

- a. Attorney fees will be paid by ☐ petitioner ☐ respondent.
- b. ☐ Each party will pay own fees.

7. **Child support.** The court may make orders for support of the children and issue an earnings assignment without further notice to either party. *A completed Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) is attached.*

8. Other (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF RESPONDENT)

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER :	CASE NUMBER:
RESPONDENT:	

**PROPERTY ORDER ATTACHMENT TO FINDINGS
AND ORDER AFTER HEARING**

THE COURT ORDERS

1. ☐ **Property restraining orders**

- a. ☐ Petitioner ☐ Respondent ☐ Claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
- b. ☐ Petitioner ☐ Respondent must notify the other party of any proposed extraordinary expenses at least 5 business days before incurring such expenses, and make an accounting of such to the court.
- c. ☐ Petitioner ☐ Respondent is restrained from cashing, borrowing against, cancelling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor child or children.
- d. ☐ Petitioner ☐ Respondent must not incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. ☐ **Possession of property**

- a. The exclusive use, possession, and control of the following property the parties own or are buying is given to:
Property Given to

- b. ☐ As attached.

3. ☐ **Payment of debts**

- a. Payments on the following debts coming due while this order is in effect must be paid as follows:

<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total debt	Amount of payments	Pay to	Paid by

- b. ☐ As attached.

4. ☐ These are temporary orders only. The court will make final orders at the time of judgment.

5. ☐ Other (*specify*):

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. Grant Barrett General Counsel Superior Court of California, County of Calaveras	A	N	<p>a) Great work on the badly needed forms, especially FL-117 and FL-144.</p> <p>b) Not in favor of adding new required forms to FL-180, pro pers are having hard enough time.</p> <p>c) How about a “bifurcation” check box on FL-180, like for bifurcated child custody judgments under FL section 3023?</p>	<p>a) No response required.</p> <p>b) The property attachment forms are optional, not mandatory.</p> <p>c) The form does provide that now in the top box under “dissolution.” It provides for “status only,” “reserving jurisdiction over termination of marital status” and “judgment on reserved issues.”</p>
2.	Hon. Kathleen Bryan Commissioner Superior Court of California, County of San Bernardino	A	N	Agree	No response required.
3.	Ms. Christine Copeland Attorney Family Law Facilitator’s Office Superior Court of California, County of Santa Clara	A	N	<p>a) Web address should be put on every form in every group</p> <p>b) Item 2c on FL-260 – should proof of adoption be attached/required (we require VDOP to be attached in item 2b)</p> <p>c) Item 2f and g on FL-250 – only required if no VDOP signed or, if parties married, if kid born prior to marriage, or if no adoption, or if parentage not already established in DCSS or JV case, OR if judgment is in the UPA case. So, since it so narrowly applicable, form should say so (i.e. say only check this box if UPA or DVPA or kid born prior to marriage). Otherwise, the court is advising,</p>	<p>a) Agree, that is the protocol</p> <p>b) Seems like it might be overly cumbersome.</p> <p>c) Additional checkboxes are being added to make it clear that paternity may be found by other means.</p>

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>or the parents are signing the Advertisement and Waiver where it is not needed.</p> <p>d) Item 3f of FL-250 – allows name change order, but neither Petition nor Response allow for this request, so change those latter 2 forms to allow this request. Need to specify that changing of LAST name only be allowed in this context.</p> <p>e) Item 3i form FL-250 – add two boxes to check based on order(s): “to add other parent to the birth certificate” “to change the child’s LAST name”</p> <p>f) Form FL-180, Item 4 – In cases where kid(s) born prior to marriage and court makes temporary support or custody/visitation orders, the Judicial Council needs to come up with a form to use at that stage (pending Judgment) to “lock in” parentage issue. Otherwise, we have orders involving the kid(s) born before the marriage and parentage has not been established. It seems the norm nowadays that if parents are married, they are married after kid(s) born.</p> <p>g) Form FL-144 – add signature lines for attorneys for Petitioner and for Respondent</p> <p>h) Form FL-117 – finally! It is so right to change caption to party’s name, not sender’s name!</p>	<p>d) The petition and response to determine a parental relationship do allow for this request. This is not one of the requests available with a petition for custody.</p> <p>e) Agree.</p> <p>f) The issue of prior born children is addressed in the judgment. It could be determined in an order to show cause if there was special concern in a case.</p> <p>g) Attorneys are generally not able to make an independent statement that regarding the completeness of disclosure.</p> <p>h) No response required</p>

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				i) Form FL-345 – fantastic	i) No response required
4.	Mr. Robert Gerard President Orange County Bar Association	A	Y	All changes are reasonable and desirable.	No response required.
5.	Ms. Sandra Mason Director of Civil Operations	A	N	Agree with proposed changes	No response required.
6.	Mr. John David Rothschild Attorney	N	N	FL-345 (page 1, Item 1g). The word “effectuate” should be changed to “carry out”. Such a good job has been done to simplify the language of the forms. This change would be consistent with that goal.	Agree
7.	Hon. John Smiley Assistant Presiding Judge Superior Court of California, County of Ventura	A	N		No response required.
8.	Mia Baker Chair State Bar Standing Committee on Delivery of Legal Services	AM		FL - 250 Judgment (Uniform Parentage - Custody and Support) a) Our reviewers suggest that there should be more room for children's names and dates of birth. Only 1 or 2 children’s names will fit in the space provided, while many paternity cases have more than one child. b) Additionally, we suggest check-boxes for the issuance of a new birth certificate, adding the father's name, or allowing for the child’s name change.	a) Agree b) Agree
9.	Diana Doreme Chair of the Executive Committee of the Family Law	A	A	Approve	No response required

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Section of the State Bar				
10.	Ronald L. Bauer Superior Court of California, County of Orange	A	A	The Rules and Forms Committee of the Orange County Superior Court reviewed this item at their meeting of June 19, 2003 and agree with the proposed changes.	No response required
11.	Stephen Love Executive Officer Superior Court of California, County of San Diego	AM		<p>a) FL-115: adding the petition for Custody is great</p> <p>b) FL-260: the DVPA cannot be a lead case so probably should not be listed in #2a. The same would be true in 2a of the form FL-270</p> <p>c) FL-250: under 2f and 2g, add check boxes for “parties signed voluntary Declaration of Paternity” and for “Parties are married and no other action is pending.” And for “there is a prior judgment of paternity in a family support, juvenile or adoption court case.”</p> <p>d) Item 3 should read, “THE COURT FINDS:” and take out the small letter “a.”</p> <p>e) Item 4 should be added to say, “THE COURT ORDERS:”</p> <p>f) Item b should be relettered to a, c to b, d to c, e to d, f to e and add f “The Birth Certificate shall be amended to conform with this order.”</p> <p>g) On page 2, change to number 5, add “THE COURT FURTHER ORDERS:” a, b, c and d as now</p>	<p>a) No response required</p> <p>b) Agree</p> <p>c) Agree</p> <p>d) Agree</p> <p>e) Agree</p> <p>f) Agree</p> <p>g) Agree</p>

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				listed as g, h, I and j. and change #4 to #6. h) FL-180: page 2, #4 1 (2) the form # is messed up and should be (form FL-340)	h) Agree
12.	Karen Houle Supervising Superior Court Clerk Superior Court of California, County of Kern	AM	N	FL-155 proof of service summons, line 1 “I served the respondent with copies.” Request that the name of the party be indicated, the court cannot tell who has really served (cases if substituted service).	That is captured in 3 b under substituted service.
13.	Judge Mary Ann Grilli Superior Court of California, County of Santa Clara	AM	N	1) FL 260 Petition for Custody and Support- a) In section 2a, I suggest that the reference to the DVPA be deleted. Sometimes, the parties do not want to file a dissolution, but want long-term custody orders. Those cannot be done in a DVPA case. b) Also, where there is a disso in another state and we have custody jurisdiction, this form might be used as well c) I think the code section reference needs to be to 3120 as well. d) In 8, are we requiring that they use the parentage summons on these? If so, it needs to clearly state that somewhere. e) The box about child support says that the court is required to make child support orders. That is true if there is an application for those orders.	a) Agree b) That order seems more properly registered here rather than starting a new case. c) Agree d) Yes, Agree. #8 changed to reflect that the summons is being filed with the petition. e) The committee will review all child support language in a future cycle.

SPR03-44

Family Law: Miscellaneous Forms

(approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>f) It also occurred to me in looking at This form that there really is not a procedure for taking a default on these petitions. Should we have one? Are they to use the Judgment in the UPA or some other form? This could be confusing for parties and judges alike.</p> <p>2) Waiver of Final Declaration</p> <p>a) Section 3, should reference the Family Code before section.</p> <p>b) We should also confront what a current income and expense form is, since the code is vague on that point.</p> <p>c) Section 6 says that the court will set aside the judgment. This is not automatic and I believe that it should say may.</p>	<p>f) The procedure suggested is to use the same forms as for paternity. Each of the forms was modified to say (Uniform Parentage-Custody and Support) to try to make this clear.</p> <p>a) Agree</p> <p>b) Rule 5.128 provides that "'Current" is defined as being completed within the past three months providing no facts have changed.</p> <p>c) Agree in concept, but Family Code section 2105 (d)(5) says that the waive must state that ... "each party further understands that noncompliance with those obligations will [emphasis added] result in the court setting aside the judgment."</p>